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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,905	01/04/2001	Uwe Sydon	01 P 7403 US	3947
7590	09/06/2005		EXAMINER	
Siemens Corporation Intellectual Property Department 186 Wood Avenue South Iselin, NJ 08830			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/754,905	SYDON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Steven HD Nguyen	2665

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 June 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-3 and 6-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-3 and 6-34 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on 6/20/05, PROSECUTION IS HEREBY REOPENED.

New ground based on typo error of section 4 of the final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 11-27 and 30-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As claim 11, the limitation “the second remote unit synchronizing to the first ... via the dedicated radio frequency connection”.

As claim 20, the limitation “synchronizing the second remote unit ... via the dedicated communication channel”.

As claim 32, the limitation “during direct communication between the first ... synchronizes to the first remote unit”.

The specification, page 6, line 25 to page 7, lines 13, does not disclose the first and second remote unit exchanges the synchronized message via the assigned channel.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6-10 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyake (USP 5903618).

Regarding claim 1, Miyake discloses (Figs 1-22 and col. 1, lines 5 to col. 13, lines 5) a cordless communication system comprising a central unit (Fig 1, Ref 10); and at least two remote units (Fig 1, Ref 18) capable of radio frequency communication with said central unit and other of said at least two remote units a first of said at least two remote units is capable of providing a request to said central unit for a direct connection with a second of said at least two remote units; wherein said central unit is capable of assigning a dedicated communication channel for enabling

direct communication between selected ones of said at least two remote units upon receiving a request from said first remote unit, said central unit assigns a dedicated communication channel for enabling direct communication between said first and second remote units, said second remote unit synchronizing to said first remote unit (Figs 10-11, 15-16 and col. 9, lines 19-42 and col. 2, lines 4-67, the synchronizing between units is not via the assigned dedicated communication channel therefore the first and second are synchronized with each other via the received sync signal from the central unit).

Regarding claim 2, Miyake discloses each of said at least two remote units is further capable of communication with another of said at least two remote units via a radio frequency connection relayed through said central unit (Col 2, lines 4-10).

Regarding claims 3, Miyake discloses each of said remote units synchronize to said central unit during communication with the central unit (Col. 2, lines 61-67).

Regarding claim 6, Miyake discloses said radio communication comprises time division duplex connections utilizing a time division multiple access (TDMA) scheme (col. 8, lines 1-21).

Regarding claims 7 and 28, Miyake discloses said radio communication comprises a frequency hopping spread spectrum (FHSS) scheme and said central unit assigns the dedicated communication channel by assigning a specific hop sequence to selected ones of said at least two remote units being orthogonal (col. 8, lines 1-21 and col. 9, lines 19-42).

Regarding claims 8 and 29, Miyake discloses said radio frequency communication comprises direct sequence spread spectrum (DSSS) scheme and said central unit assigns said dedicated communication channel by assigning a specific spreading code to selected ones of said

at least two remote units being orthogonal (Col. 4, lines 47 to col. 5, lines 8 and col. 9, lines 19-42).

Regarding claim 9, Miyake discloses said central unit provides an interface for interfacing the communication system with a network (Fig 1).

Regarding claim 10, Miyake discloses the network comprises at least one of a public switched telephone network (PSTN), an integrated services digital network (ISDN), the Internet, and an Intranet (Col. 4, lines 30-46).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 11-27 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake (USP 5903618) in view of Morvan (USP 6574452).

Regarding claims 11-12 and 32, Miyake discloses (Figs 1-22 and col. 1, lines 5 to col. 13, lines 5) a cordless communication system, comprising a central unit (Fig 1, Ref 10); and at least two remote units capable of radio frequency communication with said central unit (Fig 1, Ref 10 and 18); wherein each of said at least two remote units is capable of communication with another of said at least two remote units via a radio frequency connection relayed through said central unit (Col 2, lines 4-10); and wherein a first of said at least two remote units is further capable of communication with a second of said at least two remote units via a dedicated radio frequency connection assigned by said central unit for enabling direct communication between said first remote unit and said second remote unit (Figs 10-11, 15-16 and col. 9, lines 19-42 and col. 2, lines 4-67) and each of said remote units synchronize to said central unit during communication with the central unit (Col. 2, lines 61-67). However, Miyake fails to disclose the second remote unit synchronizing to the first remote unit during communication with the first remote unit via the dedicated radio channel. In the same field of endeavor, Morvan discloses a method and system comprising the terminals capable of performing a direct mode “confidential mode” or trunk mode “normal mode via a base station” by allowing the terminals to setup a direct mode by using the normal mode, after setting up the direct mode, one of the terminal switches to base station mode and synchronize with the other terminal (See col. 41, lines 5-39).

Since, the clock of terminals which is synchronized with a clock of base station will be drift during a cycle of broadcasting a sync message from the base station. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for synchronizing the terminals after setup a direct mode by using its old clock as disclosed by Morvan into Miyake’s system. The motivation would have been to

prevent data loss during the communication between and improve the throughput of the base station.

Regarding claim 13, Miyake discloses a first of said at least two remote units is capable of providing a request to said central unit for a direct connection with a second of said at least two remote units (Fig 10, Ref 12).

Regarding claim 14, Miyake discloses upon receiving a request from said first remote unit, said central unit assigns a dedicated communication channel for enabling direct communication between said first and second remote units, said second remote unit synchronizing to said first remote unit (Figs 10-11, 15-16 and col. 9, lines 19-42 and col. 2, lines 4-67).

Regarding claim 15, Miyake discloses said radio communication comprises time division duplex connections utilizing a time division multiple access (TDMA) scheme (col. 8, lines 1-21).

Regarding claims 16, 24, 26, 30 and 33, Miyake discloses said radio communication comprises a frequency hopping spread spectrum (FHSS) scheme and said central unit assigns the dedicated communication channel by assigning a specific hop sequence to selected ones of said at least two remote units being orthogonal (col. 8, lines 1-21 and col. 9, lines 19-42).

Regarding claims 17, 25, 27, 31 and 34, Miyake discloses said radio frequency communication comprises direct sequence spread spectrum (DSSS) scheme and said central unit assigns said dedicated communication channel by assigning a specific spreading code to selected ones of said at least two remote units (Col. 4, lines 47 to col. 5, lines 8 and col. 9, lines 19-42).

Regarding claim 18, Miyake discloses said central unit provides an interface for interfacing the communication system with a network (Fig 1).

Regarding claim 19, Miyake discloses the network comprises at least one of a public switched telephone network (PSTN), an integrated services digital network (ISDN), the Internet, and an Intranet (Col. 4, lines 30-46).

Regarding claim 20, Miyake discloses (Figs 1-22 and col. 1, lines 5 to col. 13, lines 5) a method for providing direct radio frequency communication between remote units in a cordless communication system, comprising providing a request to a central unit for direct radio frequency communication between a first remote unit and a second remote unit (Figs 10 and 15, Ref 12); and initiating a direct connection between the first remote unit and the second remote unit via a dedicated communication channel assigned to the first remote unit and the second remote unit by the central unit (Figs 10-11, 15-16 and col. 9, lines 19-42 and col. 2, lines 4-67). However, Miyake fails to disclose synchronizing the second remote unit to the first remote unit during direct communication between the first remote unit and the second remote unit via the dedicated communication channel. In the same field of endeavor, Morvan discloses a method and system comprising the terminals capable of performing a direct mode “confidential mode” or trunk mode “normal mode via a base station” by allowing the terminals to setup a direct mode by using the normal mode, after setting up the direct mode, one of the terminal switches to base station mode and synchronize with the other terminal (See col. 41, lines 5-39).

Since, the clock of terminals which is synchronized with a clock of base station will be drift during a cycle of broadcasting a sync message from the base station. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for synchronizing the terminals after setup a direct mode by using its old clock as disclosed by Morvan into Miyake’s system. The motivation would have been to

prevent data loss during the communication between and improve the throughput of the base station.

Regarding claim 21, Miyake discloses further comprising determining that communication between the first remote unit and the second remote unit has ended; and terminating the direct connection between the first remote unit and the second remote unit (Figs 11 and 15, Ref 54, 56, 58, 60 and 62, col. 9, lines 19-42).

Regarding claim 22, Miyake discloses wherein determining that communication between the first remote unit and the second remote unit has ended comprises providing an indication to the central unit that communication between the first remote unit and the second remote unit has ended (Figs 11 and 15, Ref 54, 56, 58, 60 and 62, col. 9, lines 19-42).

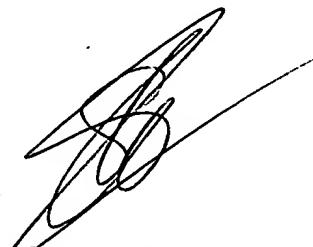
Regarding claim 23, Miyake discloses initiating a direct connection between the first remote unit and the second remote unit comprises assigning the dedicated communication channel (col. 9, lines 19-42).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen  
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8/22/05



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